



Board of County Commissioners (BCC)

Meeting: 03/14/17 05:00 PM

Department: Commission
Prepared By: Julie Anne Baca
Director: Julie Anne Baca
DCM:
Sponsors: Steven Michael Quezada

Title: Declaring Bernalillo County as an Immigrant-Friendly County

Action:

Motion to approve Administrative Resolution AR 2017-22 establishing Bernalillo County as an immigrant-friendly county. (**Sponsor: Vice Chair Quezada**)

Summary:

With the election of new National leadership there has been a sense of uncertainty and fear among many communities in Bernalillo County, across the State, and across the Nation. Recent Presidential Executive Orders relating to immigration enforcement have done nothing to allay those fears, and contain directives that threaten to lead to family separation, endanger refugees fleeing violence and persecution, strip immigrants of their due process, and discriminate against the Muslim community. Consequential to these events, Commissioner Steven Michael Quezada is proposing an Administrative Resolution for the Board to establish policy regarding immigrants in Bernalillo County. Commissioner Quezada proposes the below policy to ensure Bernalillo County complies with the intent of the resolution.

1: The Commission declares Bernalillo County to be an “Immigrant-Friendly County”. The Commission welcomes and encourages immigrants to live, work, and study in Bernalillo County and to participate in community affairs, and recognizes immigrants for their important contributions to our culture and economy.

2: The Commission establishes the following policies for Bernalillo County:

- A. To the fullest extent allowed by federal and state law, immigrants and their families, who live within the county limits of Bernalillo shall have access to all Bernalillo County programs.
- B. The County encourages all public agencies to facilitate the access of immigrants and their families to basic services, including but not limited to legal driver’s licenses, health care, police protection, and education, including Central New Mexico (CNM) and the University of New Mexico, to the fullest extent to allowable by law.
- C. The County will include in its legislative agendas requests that Congress enact just and humane immigration reforms that provide immigrants and their families with rights in this country that are commensurate with human dignity and their status as taxpayers and contributing members of our community, and the State of New Mexico Legislature revise its laws and policies for health care, education, and driver’s licenses to such that immigrants and their families will have fair access to those

services and privileges.

- D. The County shall not discriminate on the basis of a person's national origin and will treat all persons with respect and dignity, regardless of immigration status.
- E. No municipal resources shall be used, including members of the Bernalillo County Sheriffs' Department, to identify individual's immigration status or apprehend persons on the sole basis of status, unless otherwise required by law to do so.

3: The County Commission supports the equal treatment of all persons and states that all persons who live within the County shall have full access to all county services with respect and dignity, including public safety services and programs, regardless of their race, disability, national origin, gender identity, religion, sex, sexual orientation, ethnicity, economic or immigration status (in addition to any other protected classes under local, state or federal law).

4: That Bernalillo County staff is directed to review current County policies and practices to ensure they are in accordance with this Resolution and propose to the Commission means to address any non-compliance. As part of their analysis, County staff may identify and recommend policies or proposals that would serve to supplement and enhance the County's immigrant friendly status.

Attachments:

- Immigrant Friendly Resolution FINAL (DOC)
- Immigrant Friendly Resolution AMENDED (DOC)

Staff Analysis Summary:

Purchasing Julie Anne Baca Review Completed 03/08/2017 1:33 PM

Application of the NM State Procurement Code does not apply to the proposed motion. PBS comment is not required.

Risk Management Veronica Espinosa Review Completed 03/08/2017 1:44 PM

Risk Management has reviewed and supports the proposed motion. Veronica C. Espinosa, Accountant 3/8/17

Health & Public Safety Division Greg E. Perez Review Completed 03/08/2017 2:27 PM

I have reviewed and support the proposed motion.

Legal Eric Schuler Review Completed 03/09/2017 8:53 AM

Approved as to legal form. Eric Schuler

Finance Shirley Ragin Review Completed 03/09/2017 10:01 AM

Reviewed and recommend approval of an administrative resolution establishing Bernalillo County as an immigrant-friendly county. SMR 3/9/2017

Community Services Maria Salazar Review Completed 03/09/2017 10:26 AM

I recommend Board approval.

Public Works Division Roger A. Paul Review Completed 03/09/2017 1:27 PM

If approved, the Public Works Division will undertake a comprehensive review of our applicable ordinances, policies, and practices to identify any conflicting language. Recommend approval.....RAP 3/9/17

General Services Chayenne Gutierrez Review Completed 03/09/2017 4:56 PM

I recommend approval of the proposed Administrative Resolution

Sheriffs Mickie Segotta Review Completed 03/10/2017 9:50 AM

County Manager Julie Anne Baca Review Completed 03/10/2017 9:52 AM

This resolution is a local government response to federal issues that are impacting Bernalillo County residents. JMB 3/10/17

Board of County Commissioners Julie Anne Baca Meeting Completed
03/14/2017 5:00 PM

RESULT: **ADOPTED AS AMENDED [4 TO 1]**

MOVER: Steven Michael Quezada, Vice Chair

SECONDER: Maggie Hart Stebbins, Member

AYES: Debbie O'Malley, Steven Michael Quezada, Maggie Hart Stebbins, Lonnie C. Talbert

NAYS: Wayne A. Johnson

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE RESOLUTION NO. _____

1 **DECLARING BERNALILLO COUNTY AS AN IMMIGRANT-FRIENDLY**
2 **COUNTY, AND TO SAFEGUARD THE CIVIL RIGHTS, SAFETY AND DIGNITY**
3 **OF ALL OUR RESIDENTS, WHETHER THEY BE IMMIGRANTS, WAR**
4 **REFUGEES, PEOPLE OF COLOR, MUSLIMS, JEWS, LGBTQ PEOPLE, OR**
5 **PEOPLE WITH DISABILITIES. ESTABLISHING BERNALILLO COUNTY**
6 **POLICIES REGARDING IMMIGRANTS AND THEIR FAMILIES, REGARDLESS**
7 **OF IMMIGRATION STATUS.**

8
9 **WHEREAS**, since the election of new National leadership there has been a sense of
10 uncertainty and fear among many communities in Bernalillo County, across our State, and
11 across the Nation; and

12 **WHEREAS**, recent Presidential Executive Orders relating to immigration enforcement
13 have done nothing to allay those fears, and in fact contain directives that threaten to lead to
14 family separation, endanger refugees fleeing violence and persecution, strip immigrants of
15 their due process, and discriminate against the Muslim community; and

16 **WHEREAS**, the Tenth Amendment of the Constitution of the United States recognizes
17 the sovereign status of the states and their political subdivisions and precludes the federal
18 government from attempting to compel state and local governments, either directly or by
19 their use of threats to withhold federal funding, to assist the federal government in enforcing
20 federal laws, including immigration laws; and

21 **WHEREAS**, Bernalillo County should not adopt policies that may violate its residents'
22 constitutional rights under the Fourth Amendment such as "immigration detainees", and that
23 exceed the government's limited warrantless arrest authority under federal law, exposing the
24 County to civil rights violations;

1 **WHEREAS**, the County Commission wishes to assure its vulnerable communities that
2 the County supports them, will do all it can to maintain and improve their quality of life, and
3 does not tolerate acts of hate, discrimination, bullying or harassment; and

4 **WHEREAS**, the County Commission wishes to declare that Bernalillo County is a safe
5 place for immigrants from all countries, as well as for war refugees, people of color,
6 Muslims, Jews, LGBTQ people, and people with disabilities;

7 **WHEREAS**, thousands of immigrants and their families have lived and worked in the
8 Bernalillo County area for many years; and

9 **WHEREAS**, immigrants from throughout the world contribute to Bernalillo County's
10 cultural richness and economic prosperity, through their labor and initiative, payment of
11 taxes, and other economic and cultural activities; and

12 **WHEREAS**, the County Commission believes in the human dignity of all Bernalillo
13 County residents, regardless of immigration status, and recognizes the importance of
14 immigrants' many contributions to the social, cultural, intellectual, and economic fabric of
15 the County; and

16 **WHEREAS**, Bernalillo County is made up of diverse individuals, both native born and
17 immigrants, whose collective cultures, religions, backgrounds, orientations, abilities, and
18 viewpoints join to form a highly pluralistic community which prides itself on being a place
19 which welcomes persons and families of all walks of life; and

20 **WHEREAS**, young people in Bernalillo County enrolled in the Deferred Action for
21 Childhood Arrivals (DACA) program deserve an opportunity to have a bright future and to
22 contribute their time and talent to make Bernalillo County a county of innovation and
23 growth; and

1 **WHEREAS**, the County Commission believes the County to be a safe and welcoming
2 place for all students and their families, regardless of origin or immigration status and
3 supports the Albuquerque Public Schools policy to create a safe haven for all students
4 regardless of their immigration status; and

5 **WHEREAS**, Bernalillo County has a strong tradition and mission of embracing and
6 valuing diversity and the County Commission believes that it is similarly important to
7 support diversity and to provide services to all persons in the County regardless of their race,
8 disability, national origin, gender identity, religion, sex, sexual orientation, ethnicity,
9 economic or immigration status (in addition to any other protected classes under local, state
10 or federal law); and

11 **WHEREAS**, the County Commission is greatly concerned about public safety in
12 Bernalillo County and the mission of the Bernalillo County Sheriff's Department is to
13 protects the safety of the public against crimes committed by persons whoever they may be;
14 and

15 **WHEREAS**, most residents in the County, including the vast majority of immigrants, are
16 law-abiding citizens and are, when crimes occur, themselves the victims of crime, and
17 because of this the County wishes to foster trust and cooperation between the County, its
18 Sheriff's Department, and its immigrant communities to encourage immigrants to report
19 crime and speak to the Sheriff's deputies and employees without fear of being arrested or
20 reported to the United States Immigration and Customs Enforcement agency; and

21 **WHEREAS**, Bernalillo County's Sheriffs' Department standard operating procedures
22 are consistent with this resolution and recognizes that "enforcement of immigration laws and
23 arrest of undocumented foreign nationals resides exclusively with the federal government",

1 and that “officers shall not stop, question, detain, or arrest any person solely on the ground
2 that they may be undocumented”, and “shall not inquire about or seek proof of a person’s
3 immigration status” unless it is pertinent to the investigation of an underlying non-
4 immigration criminal violation; and

5 **WHEREAS**, the County Commission firmly believes that the involvement of local
6 government in enforcement of federal civil immigration laws undermines a productive and
7 trusting relationship with the immigrant community and hinders local law enforcement and
8 community safety; and

9 **NOW, THEREFORE**, be it resolved by the Board of County Commissioners, the
10 governing body of the County of Bernalillo, that

11 SECTION 1: The Commission declares Bernalillo County to be an “Immigrant-Friendly
12 County”. The Commission welcomes and encourages immigrants to live, work, and study in
13 Bernalillo County and to participate in community affairs, and recognizes immigrants for
14 their important contributions to our culture and economy.
15

16 SECTION 2: The Commission establishes the following policies for Bernalillo County:

- 17 A. To the fullest extent allowed by federal and state law, immigrants and their families,
18 who live within the county limits of Bernalillo shall have access to all Bernalillo
19 County.
20 B. The County encourages all public agencies to facilitate the access of immigrants and
21 their families to basic services, including but not limited to legal driver’s licenses,
22 health care, police protection, and education, including Central New Mexico (CNM)
23 and the University of New Mexico, to the fullest extent to allowable by law.
24 C. The County will include in its legislative agendas requests that Congress enact just
25 and humane immigration reforms that provide immigrants and their families with
26 rights in this country that are commensurate with human dignity and their status as
27 taxpayers and contributing members of our community, and the State of New Mexico
28 Legislature revise its laws and policies for health care, education, and driver’s
29 licenses to such that immigrants and their families will have fair access to those
30 services and privileges.
31 D. The County shall not discriminate on the basis of a person’s national origin and will
32 treat all persons with respect and dignity, regardless of immigration status.
33 E. No municipal resources shall be used, including members of the Bernalillo County
34 Sheriffs’ Department, to identify individual’s immigration status or apprehend
35 persons on the sole basis of status, unless otherwise required by law to do so.

SECTION 3: The County Commission supports the equal treatment of all persons and states that all persons who live within the County shall have full access to all county services with respect and dignity, including public safety services and programs, regardless of their race, disability, national origin, gender identity, religion, sex, sexual orientation, ethnicity, economic or immigration status (in addition to any other protected classes under local, state or federal law).

SECTION 4: That Bernalillo County staff is directed to review current County policies and practices to ensure they are in accordance with this Resolution and propose to the Commission means to address any non-compliance. As part of their analysis, County staff may identify and recommend policies or proposals that would serve to supplement and enhance the County's immigrant friendly status.

DONE this 14th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS

Debbie O'Malley, Chair

Steven Michael Quezada, Vice Chair

Maggie Hart Stebbins, Member

Lonnie C. Talbert, Member

Wayne A. Johnson, Member

APPROVED AS TO FORM:

W. Ken Martinez, County Attorney

ATTEST:

Linda Stover
County Clerk

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE RESOLUTION NO. AR 2017-22

1 **DECLARING BERNALILLO COUNTY AS AN IMMIGRANT-FRIENDLY**
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11 across the Nation; and

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13 have done nothing to allay those fears, and in fact contain directives that threaten to lead to
14 family separation, endanger refugees fleeing violence and persecution, strip immigrants of
15 their due process, and discriminate against the Muslim community; and

16 **WHEREAS**, the Tenth Amendment of the Constitution of the United States recognizes
17 the sovereign status of the states and their political subdivisions and precludes the federal
18 government from attempting to compel state and local governments, either directly or by
19 their use of threats to withhold federal funding, to assist the federal government in enforcing
20 federal laws, including immigration laws; and

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22 constitutional rights under the Fourth Amendment such as "immigration detainees", and that
23 exceed the government's limited warrantless arrest authority under federal law, exposing the
24 County to civil rights violations;

CONTINUATION PAGE 2, ADMINISTRATIVE RESOLUTION AR 2017-22.

1 **WHEREAS**, the County Commission wishes to assure its vulnerable communities that
2 the County supports them, will do all it can to maintain and improve their quality of life, and
3 does not tolerate acts of hate, discrimination, bullying or harassment; and

4 **WHEREAS**, the County Commission wishes to declare that Bernalillo County is a safe
5 place for immigrants from all countries, as well as for war refugees, people of color,
6 Muslims, Jews, LGBTQ people, and people with disabilities;

7 **WHEREAS**, thousands of immigrants and their families have lived and worked in the
8 Bernalillo County area for many years; and

9 **WHEREAS**, immigrants from throughout the world contribute to Bernalillo County's
10 cultural richness and economic prosperity, through their labor and initiative, payment of
11 taxes, and other economic and cultural activities; and

12 **WHEREAS**, the County Commission believes in the human dignity of all Bernalillo
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14 immigrants' many contributions to the social, cultural, intellectual, and economic fabric of
15 the County; and

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32 treat all persons with respect and dignity, regardless of immigration status.
33 E. No county monies, resources, or personnel shall be used to enforce federal civil
34 immigration laws or to investigate, question, detect, or apprehend persons on the
35 basis of immigration status unless otherwise required by law to do so.

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DONE this 14th day of March, 2017.

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